



# REGULATORY GUIDE

## NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE

### REGULATORY GUIDE 3.14

#### RECIPROCITY REQUIREMENTS FOR OUT-OF-STATE LICENSEES

The purpose of this regulatory guide is to provide out-of-state licensees the requirements necessary to obtain reciprocity in the State of Nebraska, as per 180 NAC 3-028, "Reciprocal Recognition of Licenses." Upon receipt of the required information and annual fee for reciprocity the determination of reciprocity shall be made. Reciprocity licensees shall be billed every year in the month in which the original reciprocity was granted.

This regulatory guide applies to licenses of radioactive material except special nuclear material in quantities sufficient to form a critical mass.

- A. Subject to Title 180 any person who holds a specific license from the U.S. Nuclear Regulatory Commission or any Agreement State, and issued by the Agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State provided that:
1. The licensing document does not limit the activity authorized by such document to specified installations or locations;
  2. The out-of-state licensee notifies the Agency in writing at least three (3) days prior to engaging in such activity. Such notification shall include:
    - (a) Name of company for whom services will be performed, an individual to be contacted representing the company and telephone number.
    - (b) The exact location, start date, duration, and type of activity to be conducted.
    - (c) The name(s), documentation of training and in-state address(es) of the individual(s) performing the activity.
    - (d) The identification of the sources of radiation to be used.

#### NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE, REGULATORY GUIDES

Regulatory Guides are issued to describe and make available to the public acceptable methods of implementing specific parts of Title 180 NAC Nebraska regulations for the "Control of Radiation", to delineate techniques used by the staff in evaluating specific problems or postulated accidents, or to provide guidance to applicants, licensees, or registrants. Regulatory Guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the Nebraska Department of Health and Human Services Regulation and Licensure, Public Health Assurance Division to make necessary determination to issue or continue a license or certificate of registration.

Comments and suggestions for improvements in these Regulatory Guides are encouraged at all times and they will be revised, as appropriate, to accommodate comments and to reflect new information or experience. Comments should be sent to Nebraska Department of Health and Human Services Regulation and Licensure, Public Health Assurance Division, 301 Centennial Mall South, P.O. Box 95007, Lincoln, NE 68509-5007.

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- (e) A copy of the pertinent license,
- (f) A copy of the licensee's operating and emergency procedures, and
- (g) An annual fee as specified in 180 NAC 18-005. This fee will be determined by the Agency and billed to the licensee prior to authorizing reciprocity.

If, for a specific case, the three (3) day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Agency, obtain permission to proceed sooner. The Agency may waive the requirement for filing additional written notification during the remainder of the calendar year following receipt of the initial notification from a person engaging in activities under the general license provided in 180 NAC 3-028.01, item 1.

- 3. The out-of-state licensee complies with all applicable regulations of the Agency and with all the terms and conditions of his licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the Agency.
  - 4. The out-of-state licensee maintains a current copy of the appropriate license, and all amendments thereto, issued by the Agency.
  - 5. The out-of-state licensee supplies such other information as the Agency may request.
  - 6. The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in 180 NAC 3-028.01, item 1 except by transfer to a person:
    - (a) Specifically licensed by the Agency or by the U.S. Nuclear Regulatory Commission or an Agreement State to receive such material, or
    - (b) Exempt from the requirements for a license for such material under 180 NAC 3-004.
- B. Notwithstanding the provisions of 180 NAC 3-028.01, item 1 any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in 180 NAC 3-008.04, item 1 within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:
- 1. Such person shall file a report with the Agency within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type and model of device transferred, and the quantity and type of radioactive material contained in the device.
  - 2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;
  - 3. Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and
  - 4. The holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in 180 NAC 3-008.04.
- C. The Agency may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another Agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to achieve compliance with these regulations or to prevent undue hazard to public health and safety or property.